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Paper No. 15

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DEC 31 2003

OFFICE OF PETITIONS

In re Application of
John D. Newbold, et al.
Application No. 09/828,621
Filed: April 6, 2001
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 15, 2003, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item (2) above.

Petitioner has not submitted the \$665 petition fee required, but has submitted a blank check. While petitioner's efforts are appreciated, the USPTO cannot accept a check that does not specify the amount. In view thereof, the check submitted with the instant petition is being returned to petitioner and is enclosed herewith. Accordingly, **petitioner must submit a check in the amount of \$665 to revive this application.**

Further correspondence with respect to this matter should be addressed as follows:

By Express Mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
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Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306**.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.



Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Check # 561 made payable to U. S. Patent and Trademark Office